

STATEMENT OF CASE

OF

SOUTH STAFFORDSHIRE DISTRICT COUNCIL

S174 APPEAL PLANNING INSPECTORATE REFERENCE APP/C3430/C/22/3312914

APPEAL BY: MR PATRICK DUNNE

APPEAL SITE: LAND ADJACENT TO BRINSFORD BRIDGE STAFFORD ROAD, COVEN HEATH, WOLVERHAMPTON, STAFFORDSHIRE WV10 7HE

LOCAL AUTHORITY REFERENCE: 21/00375/BOC

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1. <u>INTRODUCTION</u>

- 1.1 This appeal is brought against the decision by South Staffordshire District Council to serve an Enforcement Notice, ("the Notice") in respect of land, ("the Land") adjacent to Brinsford Bridge, Stafford Road, Coven Heath, Wolverhampton, Staffordshire WV10 7HE
- 1.2 The alleged breach of planning control is:

Breach of Condition 1 of planning permission reference 21/00624/VAR ("the Planning Permission" for the erection of 2 Amenity Buildings) ("the Development"); was granted on 24th August 2021, in that it appears to the Council that the Development has not been carried out in accordance with the approved drawings as follows:

Condition 1

The development shall be carried out in accordance with the approved drawings - Amended Amenity Building Floor Plans & Elevations, received on 23/07/2021, Location Plan received 01/06/2021

Reason: To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy

The approved drawing, ("the Approved Drawing") for the Amended Amenity Building Floor Plans & Elevations, received on 23/07/2021 is shown at Appendix 1 to this notice.

There has been a failure to comply with condition 1 as follows:

- i) Increased total ridge height on both buildings of a minimum of 30cms.
- ii) Increased ridge height of dormer windows on both buildings.
- iii) Increased height to the eaves on both buildings of over 0.60 metres.
- iv) Redesigned central front entrance/porch with an increased height to the eaves on both buildings of a minimum of 1.90 metres.
- v) Redesigned central front entrance/porch with an increased depth on both buildings of a minimum of 1.00 metre.
- vi) Redesigned entrance on both buildings to central front entrance/porch with double door entrance.
- vii) Redesigned fenestration with an increase in the number of panes from two paned windows to three paned windows.
- viii) Insertion of additional windows and Velux roof lights or reduction in number of windows or doors throughout both buildings.

- 1.2 A copy of the Enforcement Notice has previously been sent to the Planning Inspectorate. (Appendix 1).
- 1.3 The Land is within single ownership under Land Registry title reference SF306539. The Land Registry title and title plan are produced at Appendix 1.

2. <u>SITE DESCRIPTION AND REASONS FOR ISSUING THE NOTICE</u>

- 2.1 It appears to the Council that the Breach of Planning Control took Place within the last 10 years.
- 2.2 The Land is an existing traveller site that is occupied by one extended family. The site is in the Green Belt, approximately 1.2km south of Coven village, with access via the western side of the A449 Stafford Road.
- 2.3 The Land is bordered by the A449 to the east, the Staffordshire and Worcester Canal to the north and west, and by an open field to the south.
- 2.4 The Land is bound on all sides by mature hedgerows and trees that provide effective screening. The character of the area is semi-rural with sporadic residential development along Shaw Hall Lane to the west beyond the application site boundary with the Staffordshire and Worcestershire Canal Conservation Area. Brinsford Farm Boat yard and repair workshop are located on the opposite side of the A449 to the east. There is a row of houses fronting the western side of the A449 approximately 70m south of the application site.
- 2.5 The application site is an allocated Gypsy site 'GT08 Brinsford Bridge, Coven Heath'.
- 2.6 The site has permission for 2 permanent pitches and a further transit pitch. A modest amenity block and utility building for transit pitches already exist on the site.
- 2.7 On 18th September 2020, the Council granted planning permission for the erection of 2 amenity buildings under permission reference 19/00863/FUL. The building was not built in accordance with the approved plans and was subject of a further application to vary the approved amenity buildings, (21/00624/VAR), granted on 24th August 2021.
- 2.8 The decision notice and approved plan for permission reference 21/00624/VAR are produced at Appendix 3 and 4 respectively.
- 2.9 On 8th December 2021, Council Officers conducted a site visit and found that the utility buildings were larger than the approved plans. The roof height had been given a modest increase, however this had allowed for a significant height increase to the eaves of over 0.6 metres. This is turn allowed for a significant height increase to the front porch of at least 1.90m to both buildings including an increase in the depth of the porch by over 1.00m.

- 2.10 In addition a large glass window had been inserted into the front first floor elevation. The front door has also been altered to a larger one which is more suburban in character. In addition, the majority of the windows had increased in size from two pane to three pane casements and additional windows had been added along with Velux roof lights to the rear elevations.
- 2.11 On 28th June 2022, a further planning application was received, (application reference 22/00641/VAR), to vary Condition 1 to change the floor plan and elevations to reflect what has been built, with the exception of the front elevation first floor glass window that had been removed. The application was refused. The decision notice is produced at Appendix 5.
- 2.12 Paragraph 137 of the National Planning Policy Framework (NPPF), states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 2.13 Paragraph 149 of the NPPF confirms that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt unless they fall under certain listed exceptions. Included in this list, and not to therefore be regarded as inappropriate development is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.' Policy GB1 of the adopted Core Strategy seeks to protect the Green Belt against inappropriate development and is broadly consistent with the Framework.
- 2.14 Policy GB1 of the of the South Staffordshire Core Strategy Development Plan adopted 2012 states that development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the proposed development is for either a new or extended building, provided it is for:
 - d) limited infilling and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).
- 2.15 The original approved application, (permission reference 19/00863/FUL) had a modest design and was single storey with amenity accommodation found at ground floor only. The building was constructed with floor area contained within the roof area, and two pitched roof dormers along with a extended forward facing gable. Whilst the 2021 variation application noted an increase of around 66%. The LPA calculates this to be 70%, a 4% difference is not material. The case officer at the time considered that this increase in floor area, although above the recommended 20-40% would not be considered as inappropriate as the increase in floor area was predominantly down to the installation of a first floor within the existing roof space.

2.16 The amendments now result in an increase in floor area of around 82% above the original building. Whilst the majority of floor area increase is due to the installation of the floor area within the existing roof, there has been a further increase of around 12% from the 2021 amended scheme, (permission reference 21/00624/VAR).

2.17 Case for very special circumstances

Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

2.18 Impact on the character of the area

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 2.19 Policy EQ4 of the Core Strategy seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape and should be maintained and where possible enhanced.
- 2.20 Policy EQ11 of the Core Strategy requires that new development "respect local character and distinctiveness, including that of the surrounding development and landscape in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects", and that "in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area."
- 2.21 The modifications have turned the modest apex roofed porch, with its single door entrance and modest fenestration, of what was intended to be a utility building into a modern looking detached urban residence that fail to contribute to local distinctiveness or to the surrounding rural area and are therefore contrary to Policies EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan adopted 2012, as well as the National Design Guide [2021].

- 2.22 In conclusion, the alterations to the buildings consisting of the increased ridge height, increased height to the eaves and significantly increased height and depth of the porches to the previously approved amenity building have resulted in a bulky addition to the host dwelling that would be considered as disproportionate to the host building and thus represents inappropriate development, harmful to the Green Belt by definition. No very special circumstances have been presented that clearly outweigh this harm.
- 2.23 In addition, the design of the porch extension along with the materials used are contrary to the aims of both national and local planning policy that seeks to secure good design.
- 2.24 The Council consider that planning permission should not be given, and planning permission to retain the unauthorised amendments has recently been refused because it did not overcome these objections to the unauthorised development.

2.25 National Planning Policy Framework

- 5 Delivering a sufficient supply of homes
- 12 Achieving Well-Designed Places
- 13 Protecting the Green Belt
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

2.26 Adopted Core Strategy

Core Policy 1 – The Spatial Strategy for South Staffordshire

GB1 – Development in the Green Belt

<u>Core Policy 2 – Protecting and Enhancing the Natural and Historic</u> Environment

EQ1 Protecting, Enhancing and Expanding Natural Assets

EQ3: Conservation, Preservation and Protection of Heritage Assets

EQ4 – Protecting and Enhancing the Character and Appearance of the Landscape

EQ9 Protecting Residential Amenity

EQ11 – Wider Design Considerations

Core Policy 6 – Housing Delivery

H1: Achieving a Balanced Housing Market

H6 - Gypsies, Travellers and Travelling Show people

EV12 Parking Provision

Core Policy 11: Sustainable Transport

Appendix 5 Car parking standards Appendix 6 Space About Dwellings

Other Policy Considerations

- Green Belt and Open Countryside Supplementary Planning Guidance (GBOC SPD)
- Design Guide
- South Staffordshire Site Allocations Document (SAD) in respect of proposed Gypsy and Traveller Sites - 2018.
- Planning Policy for Traveller Sites 2015
- South Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessments (GTAA)

3. PLANNING HISTORY

- 2002, Change of use of land for the siting of mobile home and temporary siting of static caravan, Refused (02/01223/COU).
- 2003, Change of use to private gypsy caravan site for one family. Refused (03/00989/COU).
- 2006, Private gypsy caravan site, Refused (06/00140/FUL).
- 2006, Private gypsy caravan site, Refused (06/00783/FUL). Allowed at appeal on 22/11/2007 (APP/C3430/A/06/203210/NWF).
- 2009, Removal of condition 4 of 06/00783/FUL to allow stationing of static caravans, Approved (09/00099/VAR).
- 2009, Construction of day room building ancillary to gypsy site and amendments to site layout, Approved (09/00633/FUL).
- 2010, Use of land for the stationing of caravans for 4 residential gypsy pitches with ancillary hardstanding, fences and dayrooms, in addition to the existing planning permissions for 3 caravans and utility/dayroom, Refused (10/00392/FUL).
- 2011, Use of land for the stationing of caravans with revised site layout for 2 residential Irish traveller pitches and 1 transit pitch with ancillary utility building, Approved (11/00125/FUL).
- 2013, Erection of single loose box stable for stabling 1 horse, Approved (13/00838/FUL).
- 2015, Use of land for the stationing of caravans for residential purposes for additional 3 gypsy pitches, together with the formation of ancillary hardstanding and utility/dayrooms, Refused (15/00452/FUL).
- 2016, Use of land for the stationing of caravans forming 3 gypsy pitches, together with the formation of ancillary hardstanding and utility/dayrooms, Refused (16/00562/FUL).
- 2017 The use of land for the stationing of caravans for residential purposes for additional 3no. gypsy pitches and 3no. transit pitches, together with the formation of hardstanding and utility/dayrooms ancillary to that use and conversion of the existing stable ref: 13/00838/FUL to the toilet block for the use of the transit pitches. refused (17/00834/FUL).
- 2019- 19/00863/FUL Erection of 2 amenity buildings Approved
- 2021- 21/00624/VAR Substitute amended floor plans and elevations to allow for the provision of storage in the roof spaces. Application approved.
- 2021- 21/00699/FUL Erection of 2 garage buildings- Refused.

• 2022 - 22/00641/VAR - Vary Condition 1: Change the floor plan and elevations to reflect what has been built. Change the plan reference numbers approved under the planning permission – Refused.

4. SUMMARY OF EVENTS

- 4.1 On 18th September 2020, the Council granted planning permission for the erection of 2 amenity buildings under permission reference 19/00863/FUL.
- 4.2 The approved buildings were of a single storey design with a modest apex roofed porch and single door entrance. The total height of the buildings was set at 6.50m.
- 4.3 On 26th February 2021, the Council received a complaint that the buildings were being erected in the absence of planning permission.
- 4.4 On 26th April 2021, Council Officers conducted a site visit and found that the buildings were not being built in accordance with the approved plans and had erected dormer windows to the roof.
- 4.5 On 24th August 2021, the Council granted planning permission for a variation of permission reference 19/00863/FUL, for two amenity blocks with amended floor plans and elevations to allow for the provision of storage in the roof spaces under permission reference 21/00624/VAR. The amended permission retained the modest apex roofed porch, single door entrance and retained the height of 6.50m.
- 4.6 On 10th November 2021. The Council received a further complaint that the two amenity buildings were not being built in accordance with the varied approved plans.
- 4.7 On 8th December 2021, Council Officers conducted a site visit and found that the amenity buildings were significantly larger than the approved plans. The roof height had been given a modest increase, however this had allowed for a significantly larger height to increase the height to the eaves of over 0.60m. This is turn allowed for a significant increase in the height of the front porch of at least 1.90m to both buildings including an increase in the depth of the porch by over one metre.
- 4.8 The single front entrance door had been replaced with a large modern double door entrance and the increased height of the porch had allowed for large window to be inserted into the first floor and further window to the upper roof area close up to the ridge.
- 4.9 In addition, the majority of the windows had increased in size from two pane to three pane casements and additional windows had been added along with Velux roof lights to the rear elevations.
- 4.10 On 31st March 2022, a survey of the buildings confirmed the increase in their size.

- 4.11 On 10th June 2022, a Council Officer conducted a further site visit where a representative of the site owner was present. He accepted the amenity buildings as built were a significant diversion from the approved plans but that they had made arrangements to close up the large window at the front and would happily the reduce the windows where there should be two frames and not three.
- 4.12 The extended porch and first floor height to the eaves were pointed out as a completely different and larger design. He stated it would be too much work to rectify. He was advised that the Council would have no alternative but to serve an Enforcement Notice as the amenity buildings were too large and now presented themselves as new residential dwelling houses within the Green Belt rather than the modest amenity buildings as approved.
- 4.13 On 10th July 2022, Council Officers again visit the site and noted that the large windows to the front elevations of both buildings had been removed and replaced with brick. However no work further work had been carried out to comply with the approved plans and the increase in height remained together with the significant increase in the height of the buildings to the eaves and the front porches.

5. GROUNDS OF APPEAL

- **Ground (a)** That planning permission should be granted for what is alleged in the notice.
- **Ground (f)** The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.
- **Ground (g)** The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

6. <u>LPA RESPONSE TO GROUNDS FOR APPEAL – GROUND A</u>

- 6.1 **Ground (a)** That planning permission should be granted for what is alleged in the notice.
- 6.2 The LPA's response to the Appellant's Ground for appeal under Ground A should be read in conjunction with the policy considerations and information contained with the Notice upon which it intends to rely.

6.3 **LPA Response**

6.4 The Appellant states that the basis for comparison with the appeal proposals is application reference 21/00624/VAR. However, application 21/00624/VAR was a variation of an approved scheme that represented a minimum 66% increase of the original floor space of the approved building granted under permission reference 19/00863/FUL.

- 6.5 The Appellant correctly quotes the planning officers report from 21/00624/VAR as follows:
 - "Whilst this has resulted in an increase in the total floor space of the buildings by around 66%, this increase would be contained within the previously approved structure, with the only external alterations comprising of two pitched roof dormer windows, new windows, and the raising the apex of the front gable to match that of the main ridge line. [As such] The external alterations clearly represent less than a 20% increase in the volume and massing of the buildings and are not therefore considered to be disproportionate additions over and above the size of the original buildings, taking account of advise in the SPD and Policy GB1 of the CS and the Framework. As such, and notwithstanding the comments of the Parish Council, I find that the works do not represent inappropriate development in the Green Belt"
- 6.6 The LPA contend that the planning officers statement in the preceding paragraph no longer correlates to the as built buildings given the increase in size from the approved plans under 21/00624/VAR. What has been erected are two much larger amenity rooms. The buildings have been increased in height by 30cms and whilst this is only modest, it has allowed for a significant height increase to the eaves of over 0.6 metres. This is turn allowed for a significant height increase in the height of the eaves to the front porch of at least 1.90m to both buildings including an increase in the depth of the porch by over 1.00m.
- 6.7 There can be no other reason for these increases in height, other than to increase the floor space on both floors. It is no longer the case, as quoted by the planning officer that this increase is contained within the previously approved structure. The roof has been raised and there is a significant conversion of the front façade which is no longer contained in the structure approved under 19/00863/FUL. As built, the amenity buildings therefore represent in an increase in the total floor space of the buildings by around 66%, a significant increase over the 20%-40% range provided for by the Council's Green Belt and Open Countryside Supplementary Planning Document (SPD). Indeed, had an application been made for the buildings as built, the application would have been refused, and has been refused in a subsequent application to regularise it under application reference 22/00641/VAR. (Appendix 5).
- 6.8 In addition to this, the Appellant quotes an increase in the development as built over permission reference 21/00624/VAR as being 6.2%. However, this has failed to take account of the first-floor level and criteria for measuring floor space which is to be taken from the external measurements of the buildings. Taking this formula into account the as built buildings amount to an increase of 11.93% in respect of Building 1, and 13.52% in respect of the slightly larger Building 2.
- 6.9 Photographs taken of the completed buildings dated 9th December 2021, show their mass which appear all the more imposing due to the presence of a large glass window above the extended porch which has an increased depth of a sufficient size to install windows, (which can be seen in the photographs). The photographs are produced at Appendix 6.

- 6.10 Further photographs taken of the completed buildings dated 10th June 2022 show all four facades of each building with changes in the fenestration consisting of an increase in the number of windows and a large imposing entrance door. The increase in the height of the eaves is clear, particularly the impact from the height of the increase in the height of the porch which now extends up to the height of the eaves in the front elevation. The photographs are produced at Appendix 7.
- 6.11 An overview of the increased porch area and increased number of widows to the front elevations is overlayed upon the approved plan and produced and Appendix 8.
- 6.12 As built surveys were caused to be taken by the Council in evidence of the increased size and floor space of the building and these are produced at Appendix 8a.
- 6.13 The Appellant concludes that as the site is enclosed on all four sides by established landscaping with the nearest residential properties some distance away, the works do not adversely impact on the amenities of nearby occupiers, or the character or appearance of the surrounding countryside. However, Building 1 with its increased and bulky addition of the porch with its increased depth and height to the eaves, together with its increased number of windows can clearly be seem from the A449 dual carriageway and footpath outside the entrance to the site. It rises above the walls and gated entrance and results in a bulky addition that would be considered as disproportionate to approved host building and thus represents inappropriate development, harmful to the Green Belt by definition. This can be seen in photographs taken from street view library images dated June 2022 produced at Appendix 9.
- 6.14 Building 2 with its moderate increased ridge height has a limited view from the southbound A449 dual carriageway. Nevertheless, this moderate height increase which includes an increase in the height to the eaves increases its visibility from outside the site. The northern roof slope has had roof lights installed and this together with its increased height is more representative of a detached residential dwelling rather than the more modest utility room that was approved. This can be in the street view library image dated May 2022 produced at Appendix 10.
- 6.15 The LPA note the 'very special circumstances' cited by the Appellant attributed to the use of the site as a gypsy and caravan site and the fact that any harm to the Green Belt was clearly outweighed by the substantial weight attributed to the need for the utility rooms. However, no very special circumstances have been presented that clearly outweigh the harm for the retention of the buildings as built. The changes to the buildings over that originally approved, have rendered the planning officers comments in relation to the variation of the approved scheme under permission reference 21/00624/VAR virtually redundant and have significantly affected the openness of the Green Belt.
- 6.16 The resultant impact on the local character and distinctiveness of the surrounding development and landscape is the appearance of detached, highly

visible residential dwelling houses, incongruous to their surroundings. To say that they would be hardly noticeable given the number of complaints received by the LPA in relation to them is fanciful at best. The removal of the large glass window above the porch area in the front gable and replacement with herringbone brickwork has failed to mitigate against this impact.

6.17 In conclusion, the departure from the approved plan granted under permission reference 21/00624/VAR has resulted in excessively overdeveloped utility buildings which have a significant impact on the openness of the Green Belt. The Inspector is therefore invited to dismiss the appeal under Ground A.

7.0 LPA RESPONSE TO GROUNDS FOR APPEAL – GROUND F

7.1 **Ground (f)** - The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections

7.2 **LPA Response**

- 7.3 The Appellant states that apart from requirements (i) (iv) inclusive, the oether requirements are cosmetic and are unnecessary for achieving the objectives of the notice. However, this is not correct. Building 1 is highly visible from the both the footpath and dual carriageway and the requirement at part v is intended to lessen the impact from the buildings representation as a modern detached residential dwelling that has been erected within the Green Belt. This is also the case with the remainder of the cosmetic changes which have added to that representation.
- 7.4 This may be less so in respect of Building 2, however boundary screening cannot be relied upon to be maintained and could in time be removed increasing the building visibility and impact on the openness of the Green belt.
- 7.5 The Appellant has failed to state what lesser steps he considers could be taken to overcome the harm created by this development in respect of steps (v) (xiii). The LPA contend that steps required to be taken are both necessary and reasonable to overcome the harm created by this development and the Inspector is invited to dismiss the appeal under Ground F.

8.0 LPA RESPONSE TO GROUNDS FOR APPEAL – GROUND G

8.1 **Ground (g)** - The time given to comply with the notice is too short.

8.2 **LPA Response**

8.3 The Appellant has requested a period of 12 months within which to make the changes required by the Notice. However, after the Council officers site visit on 10th June 2022, in an attempt to mitigate against the harm caused by the impact of the buildings as built, the Appellant caused both windows to removed from above the porch on the front gable of both buildings and replaced with herringbone brickwork. This work was not an insignificant amount of work however it was carried out within weeks of the officers visit on 10th June 2022.

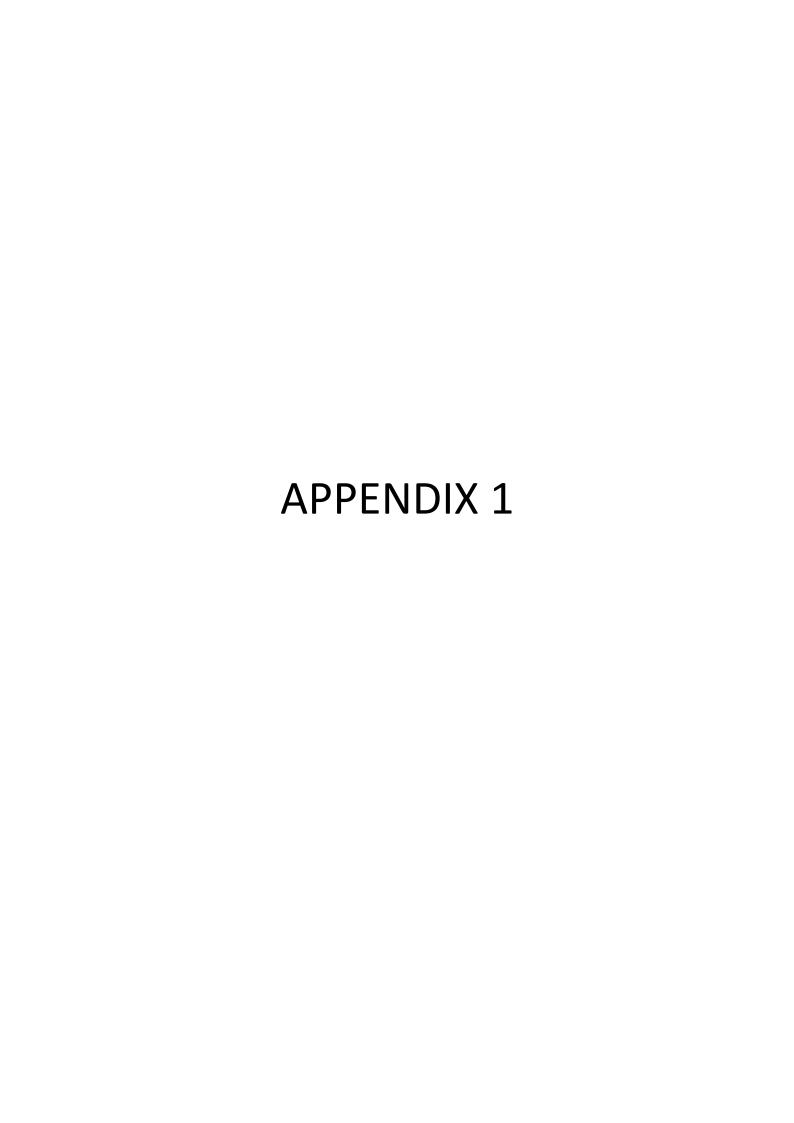
8.4 It is clear that the Appellant has the resources and means to carry out complicated alterations at short notice, the LPA therefore submit that 6 months is ample time for the Notice to be complied with and the Inspector is invited to dismiss the appeal under Ground G.

9. CONCLUSION

- 9.1 On 18th September 2020, the Council granted planning permission for the erection of 2 amenity buildings under permission reference 19/00863/FUL. The buildings were not erected in accordance with the approved plans and had an increased floorspace of approximately 66%.
- 9.2 Given that the buildings had been erected, the LPA found a way of granting permission by viewing the increase, with the exception of two dormer windows, as being contained within the previously approved structure and therefore not inappropriate development within the Green Belt. A variation of the original permission was therefore granted on this basis under permission 21/00624/VAR.
- 9.3 However, what has been built is an increase in both floorspace, height and general appearance of the two buildings, which would not have led to the same findings had an application been submitted. Indeed, an application has been submitted for the as built development and refused under application reference 22/00641/VAR.
- 9.4 Thus, the as built development consisting of the two amenity buildings represents inappropriate development within the Green Built and representing an 78& increase on that first approved. No very special circumstances have been advanced for the retention of the development as built that now has a significant impact on the Green Belt in respect of Building 1. The impact is less so with building 2, but boundary screening cannot be relied upon as a long-term solution to inappropriate development affecting the openness of the Green Belt. It is therefore entirely reasonable and within the public interest that they are rectified to reflect the permission that was granted under permission reference 21/00624/VAR.

10. CONDITIONS

- 1. The development shall be carried out in accordance with the approved drawings: Amended Amenity Building Floor Plans & Elevations, received on 23/07/2021, Location Plan received 01/06/2021
- 2. The amenity blocks hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the existing residential gypsy pitches, with the first floor space to be used for storage purposes in connection with this use only, and the amenity blocks shall not be sold off, sub-let or used as a separate unit of accommodation.



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED

BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: SOUTH STAFFORDSHIRE DISTRICT COUNCIL

(1) THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(b) of the above Act, at the Land described below. It considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important information.

(2) THE LAND AFFECTED

Land, ("the Land") adjacent to Brinsford Bridge, Stafford Road, Coven Heath, South Staffordshire WV10 7HE, outlined in red for identification purposes on the site plan attached to this notice.

(3) THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Breach of Condition 1 of planning permission reference 21/00624/VAR ("the Planning Permission" for the erection of 2 Amenity Buildings) ("the Development"); was granted on 24th August 2021, in that it appears to the Council that the Development has not been carried out in accordance with the approved drawings as follows:

Condition 1

The development shall be carried out in accordance with the approved drawings - Amended Amenity Building Floor Plans & Elevations, received on 23/07/2021, Location Plan received 01/06/2021

Reason: To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy

The approved drawing, ("the Approved Drawing") for the Amended Amenity Building Floor Plans & Elevations, received on 23/07/2021 is shown at Appendix 1 to this notice.

There has been a failure to comply with condition 1 as follows:

- i) Increased total ridge height on both buildings of a minimum of 30cms.
- ii) Increased ridge height of dormer windows on both buildings.

- iii) Increased height to the eaves on both buildings of over 0.60 metres.
- iv) Redesigned central front entrance/porch with an increased height to the eaves on both buildings of a minimum of 1.90 metres.
- v) Redesigned central front entrance/porch with an increased depth on both buildings of a minimum of 1.00 metre.
- vi) Redesigned entrance on both buildings to central front entrance/porch with double door entrance.
- vii) Redesigned fenestration with an increase in the number of panes from two paned windows to three paned windows.
- viii) Insertion of additional windows and Velux roof lights or reduction in number of windows or doors throughout both buildings.

(4) REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the Breach of Planning Control took Place within the last 10 years.

The site is an existing traveller site that is occupied by one extended family. The site is in the Green Belt, approximately 1.2km south of Coven village, with access via the western side of the A449 Stafford Road.

The site is bordered by the A449 to the east, the Staffordshire and Worcester Canal to the north and west, and by an open field to the south.

The site is bound on all sides by mature hedgerows and trees that provide effective screening. The character of the area is semi-rural with sporadic residential development along Shaw Hall Lane to the west beyond the application site boundary with the Staffordshire and Worcestershire Canal Conservation Area. Brinsford Farm Boat yard and repair workshop are located on the opposite side of the A449 to the east. There is a row of houses fronting the western side of the A449 approximately 70m south of the application site.

The application site is an allocated Gypsy site 'GT08 - Brinsford Bridge, Coven Heath'.

The site has permission for 2 permanent pitches and a further transit pitch. A modest amenity block and utility building for transit pitches already exist on the site.

On 18th September 2020, the Council granted planning permission for the erection of 2 amenity buildings under permission reference 19/00863/FUL.

On 8th December 2021, Council Officers conducted a site visit and found that the utility buildings were larger than the approved plans. The roof height had been given a modest increase, however this had allowed for a significant height increase to the eaves of over 0.6 metres. This is turn allowed for a significant height increase to the front porch of at least 1.90m to both buildings including an increase in the depth of the porch by over 1.00m.

In addition a large glass window had been inserted into the front first floor elevation. The front door has also been altered to a larger one which is more suburban in character. In addition, the majority of the windows had increased in size from two pane to three pane casements and additional windows had been added along with Velux roof lights to the rear elevations.

On 28th June 2022, a further planning application was received, (application reference 22/00641/VAR), to vary Condition 1 to change the floor plan and elevations to reflect what has been built, with the exception of the front elevation first floor glass window that had been removed. The application was refused.

Paragraph 137 of the National Planning Policy Framework (NPPF), states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 149 of the NPPF confirms that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt unless they fall under certain listed exceptions. Included in this list, and not to therefore be regarded as inappropriate development is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.' Policy GB1 of the adopted Core Strategy seeks to protect the Green Belt against inappropriate development and is broadly consistent with the Framework.

Policy GB1 of the of the South Staffordshire Core Strategy Development Plan adopted 2012 states that development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the proposed development is for either a new or extended building, provided it is for:

d) limited infilling and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).

The original approved application, (permission reference 19/00863/FUL) had a modest design and was single storey with amenity accommodation found at ground floor only. The building was constructed with floor area contained within the roof area, and two pitched roof dormers along with a extended forward facing gable. Whilst the 2021 variation application noted an increase of around 66%. The LPA calculates this to be 70%, a 4% difference is not material. The case officer at the time considered that this increase

in floor area, although above the recommended 20-40% would not be considered as inappropriate as the increase in floor area was predominantly down to the installation of a first floor within the existing roof space.

The amendments now result in an increase in floor area of around 82% above the original building. Whilst the majority of floor area increase is due to the installation of the floor area within the existing roof, there has been a further increase of around 12% from the 2021 amended scheme, (permission reference 21/00624/VAR).

Case for very special circumstances

Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Impact on the character of the area

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy EQ4 of the Core Strategy seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape and should be maintained and where possible enhanced.

Policy EQ11 of the Core Strategy requires that new development "respect local character and distinctiveness, including that of the surrounding development and landscape in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects", and that "in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area."

The modifications have turned the modest apex roofed porch, with its single door entrance and modest fenestration, of what was intended to be a utility building into a modern looking detached urban residence that fail to contribute to local distinctiveness or to the surrounding rural area and are therefore contrary to Policies EQ4 and EQ11 of

the South Staffordshire Core Strategy Development Plan adopted 2012, as well as the National Design Guide [2021].

In conclusion, the alterations to the buildings consisting of the increased ridge height, increased height to the eaves and significantly increased height and depth of the porches to the previously approved amenity building have resulted in a bulky addition to the host dwelling that would be considered as disproportionate to the host building and thus represents inappropriate development, harmful to the Green Belt by definition. No very special circumstances have been presented that clearly outweigh this harm.

In addition, the design of the porch extension along with the materials used are contrary to the aims of both national and local planning policy that seeks to secure good design.

The Council consider that planning permission should not be given, and planning permission to retain the unauthorised amendments has recently been refused because it did not overcome these objections to the unauthorised development.

(5) WHAT YOU ARE REQUIRED TO DO

- i) Reduce the total ridge height on both buildings to the approved drawing height, (Appendix 1 of this notice).
- ii) Reduce the height of the dormer windows on both buildings to the approved drawing height, (Appendix 1 of this notice).
- iii) Reduce the height of the eaves on both buildings to the approved drawing height, (Appendix 1 of this notice).
- iv) In respect of the redesigned central front entrance/porch on both buildings, reduce the height of the eaves to the approved drawings height and reduce the depth to the approved drawing depth shown on the approved drawing at 1.00m, (Appendix 1 of this notice).
- v) In respect of the redesigned entrance to the central front entrance/porch on both buildings, remove the double door and replace with a single door and two double paned windows to reflect the design shown on the approved drawing, (Appendix 1 of this notice).
 - <u>In respect of Building 1 Shaded Blue on the Plan at Appendix 2 attached to this notice</u>
- vi) In the front elevation, replace the three paned windows with two paned windows on the ground floor and remove the side windows to the central front entrance/porch.

vii) In the left elevation, (from the front), insert the door shown on the approved drawing and replace the three paned window with a two paned window on the

first floor.

viii) In the rear elevation, replace the three paned windows with two paned windows

as shown on the approved plan and remove the three paned window on the left-

hand side and Velux roof lights in the rear roof elevation.

ix) In the right elevation, (from the front) replace the three paned window with a

two paned window on the first floor.

In respect of Building 2 – Shaded Green on the Plan at Appendix 2 attached to

this notice

x) In the front elevation, replace the three paned windows with two paned

windows on the ground floor and remove the side windows to the central front

entrance/porch.

xi) In the left elevation, (from the front), remove the two windows to the ground

floor, and large window to the first floor and replace with a single door and

window show on the approved drawing and in the positions shown on the approved drawing.

xii) In the rear elevation, Velux roof lights in the rear roof elevation

xiii) In the right elevation, (from the front), replace the three paned windows to the

left-hand side and first floor with two paned windows.

Time period for Compliance

Six months from the date this notice takes effect.

(6) WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 12th December 2022 unless an appeal is made against it beforehand.

Dated: 10th November 2022

Suvertilabents

Signed:

On behalf of Corporate Director Infrastructure and Business Growth

On behalf of South Staffordshire District Council Council Offices Wolverhampton Road, Codsall, Staffordshire WV8 1PX

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (as amended)

Enforcement Notice relating to land and premises on Land adjacent to Brinsford Bridge, Stafford Road, Coven Heath, South Staffordshire WV10 7HE.

This local planning authority, South Staffordshire Council, has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the other parties listed on the Notice who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 12th December 2022 and you must ensure that the required steps, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 12th December 2022.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds: -

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by Section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924.00 This amount is double the usual Planning Application fee. You should pay this fee to South Staffordshire Council (made payable to South Staffordshire Council). Joint appellants need only pay one set of fees. If you do not wish to proceed under Ground (a) then no fee is payable.

If you decide to appeal, when you submit your appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

One appeal form and a copy of the Enforcement Notice together with a cheque for £924.00 made payable to South Staffordshire Council should be sent to the Council addressed to:-

Corporate Director Planning & Infrastructure South Staffordshire District Council Planning Department Council Offices Wolverhampton Road, Codsall, WV8 1PX

If you do not appeal against this enforcement notice, it will take effect on 12th December 2022 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 5 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Planning Enforcement Contact Officer:

Mark Bray Planning Enforcement Consultant

South Staffordshire District Council Planning Department Council Offices Wolverhampton Road Codsall, South Staffordshire, WV8 1PX

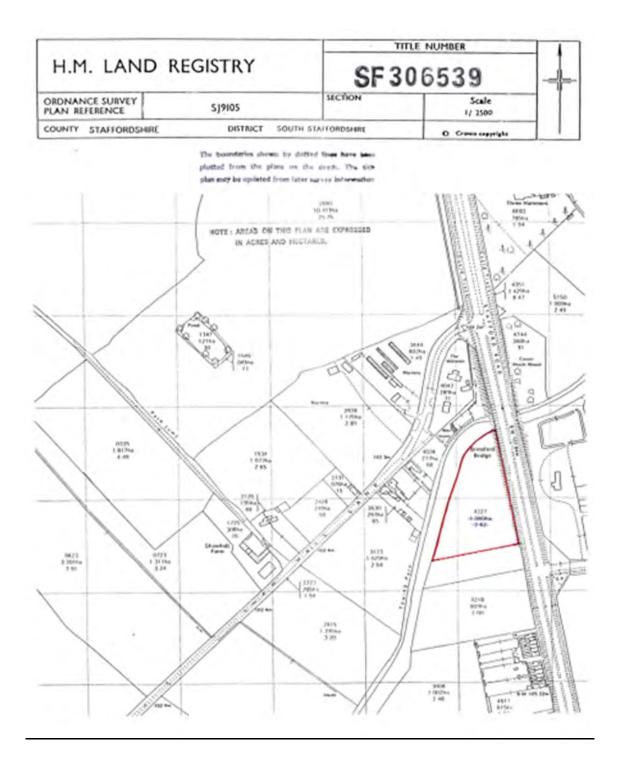
Tel: 01902 696900

E-mail: m.bray@sstaffs.gov.uk

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

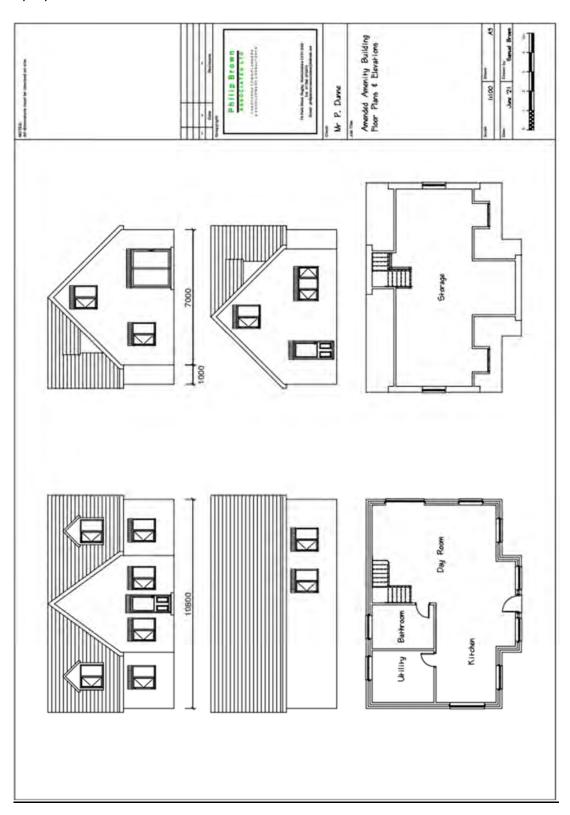
- i) AMANDA SHENADA DUNNE
 13 New Buildings,
 Stafford Road,
 Coven Heath,
 Wolverhampton
 WV10 7HF
- ii) PATRICK DUNNE
 Land adjacent to Brinsford Bridge,
 Stafford Road,
 Coven Heath,
 South Staffordshire
 WV10 7HE

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE STOURBRIDGE LODGE, WOLVERHAMPTON ROAD, PRESTWOOD, STOURBRIDGE



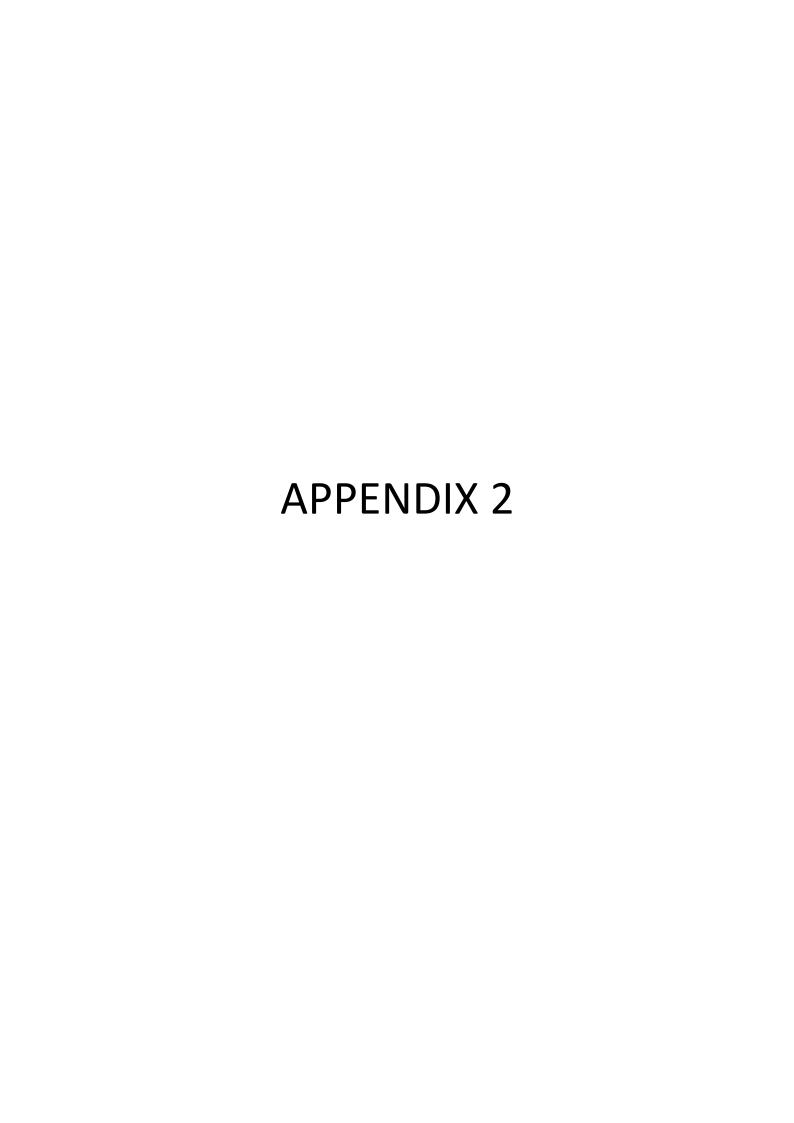
APPENDIX 1

Approved Drawing - Amended Amenity Building Floor Plans & Elevations, received on 23/07/2021



APPENDIX 2





The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number SF306539

Edition date 21.04.2017

- This official copy shows the entries on the register of title on 23 MAY 2022 at 19:47:12.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 23 May 2022.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Birkenhead Office.

A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE: SOUTH STAFFORDSHIRE

1 (16.01.1992) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land on the west side of Stafford Road, Coven Heath, Wolverhampton.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (21.04.2017) PROPRIETOR: AMANDA SHENADA DUNNE of 13 New Buildings, Stafford Road, Coven Heath, Wolverhampton WV10 7HF.
- 2 (21.04.2017) The value as at 21 April 2017 was stated to be under £100,000.
- 3 (21.04.2017) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (16.01.1992) A Conveyance dated 5 August 1937 made between (1) William Price and others and (2) Colin Shipley contains restrictive covenants but neither the original deed nor a certified copy or examined abstract thereof was produced on first registration.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 23 May 2022 shows the state of this title plan on 23 May 2022 at 19:47:13. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Birkenhead Office.

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H.M. LAND REGISTRY

TITLE NUMBER

SF 306539

ORDNANCE SURVEY SJ9105 PLAN REFERENCE

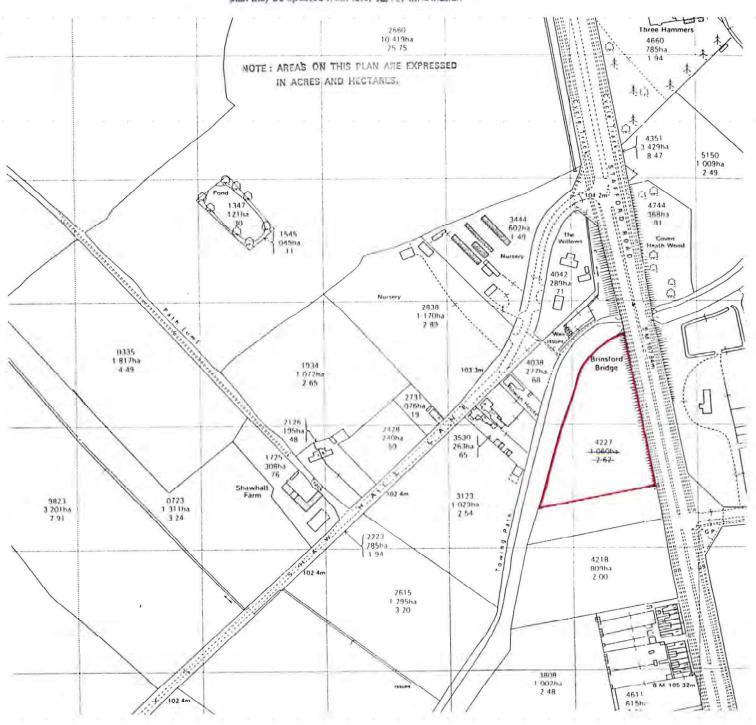
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COUNTY STAFFORDSHIRE DISTRICT SOUTH STAFFORDSHIRE

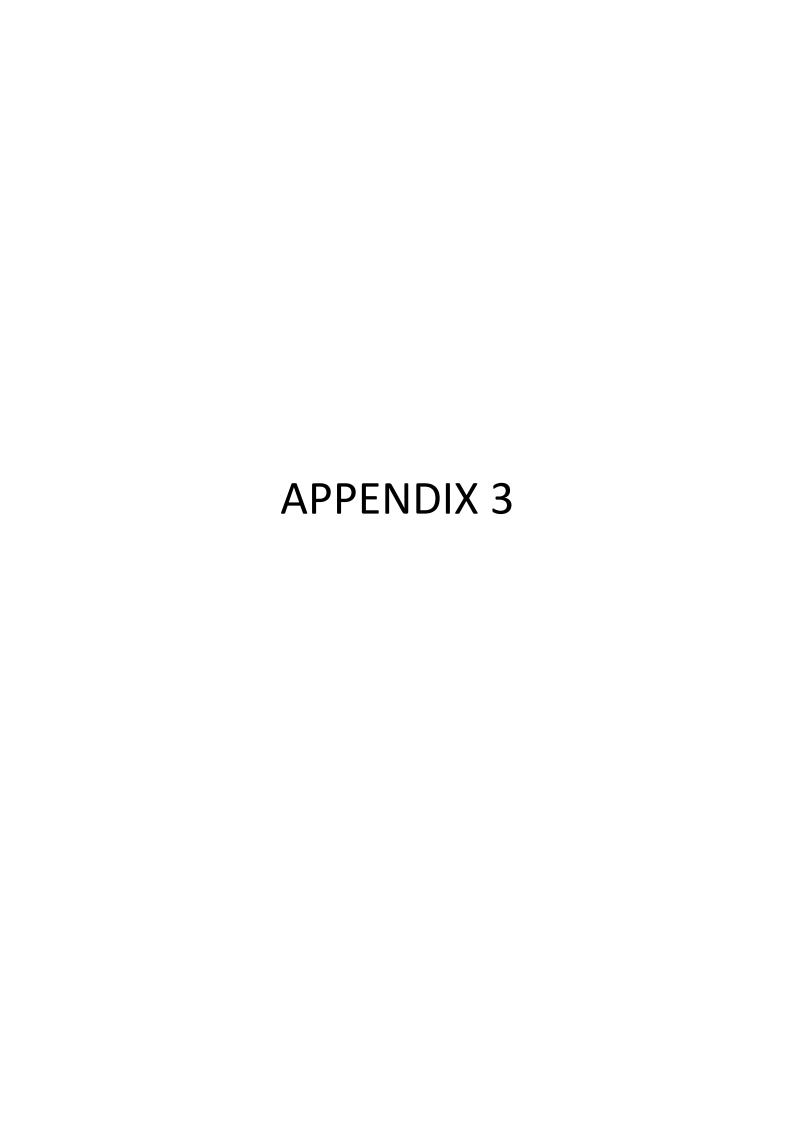
O Crown copyright

The boundaries shown by dotted lines have been plotted from the plans on the deeds. The tick plan may be updated from later survey information

SECTION









Town and Country Planning (Development Management Procedure) (England) Order 2015

GRANT OF PLANNING PERMISSION

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Application 21/00624/VAR

Number:

Proposed: Substitute amended floor plans and elevations to allow for the provision of

storage in the roof spaces [application 19/00863/FUL]

At: Land Adjacent Brinsford Bridge Stafford Road Coven Heath Staffordshire

In pursuance of their power under the above mentioned Act, South Staffordshire Council hereby **GRANT** planning permission for the development described above in accordance with the details given in the application numbered above,

Subject to the following condition(s):

- The development shall be carried out in accordance with the approved drawings:
 Amended Amenity Building Floor Plans & Elevations, received on 23/07/2021, Location Plan received 01/06/2021
- 2. Within 2 months of the date of this decision, details of the materials which have been/are to be used in the construction of the external surfaces of the building hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3. The amenity blocks hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the existing residential gypsy pitches, with the first floor space to be used for storage purposes in connection with this use only, and the amenity blocks shall not be sold off, sub-let or used as a separate unit of accommodation.

The reasons for the Council's decision to grant permission for development subject to compliance with the conditions hereinbefore specified are:-

- 1. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
- 2. In order to define the permission and to avoid doubt.
- 3. In order to define the permission in accordance and Policy GB1 of the Core Strategy and the National Planning Policy Framework.
- 4. Proactive Statement In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.

Signed Dated: 24 August 2021

Development Management Team Manager

Mr P Dunne C/O Mr Samuel Brown 74 Park Road Rugby Warwickshire CV21 2QX

NOTES

APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if you are not sure which of these time limits applies to your decision please contact the Planning Inspectorate

Appeals can be made online at: https://www.gov.uk/planning-inspectorate.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

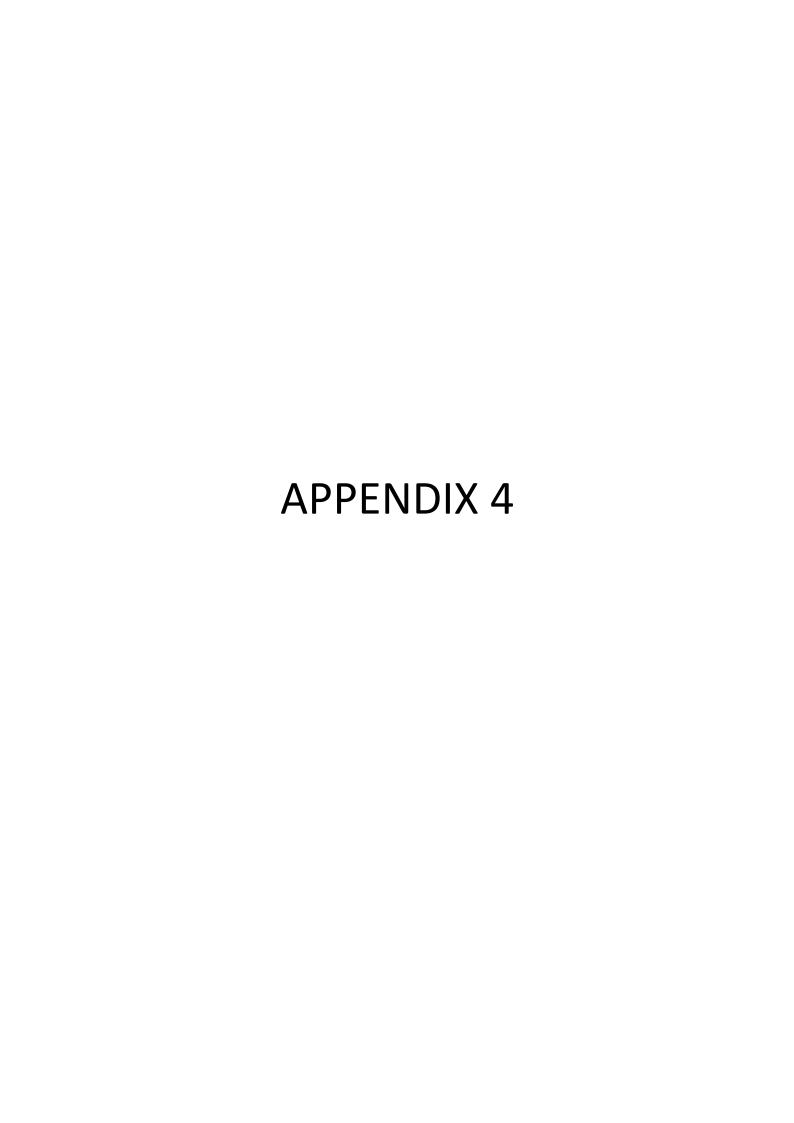
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

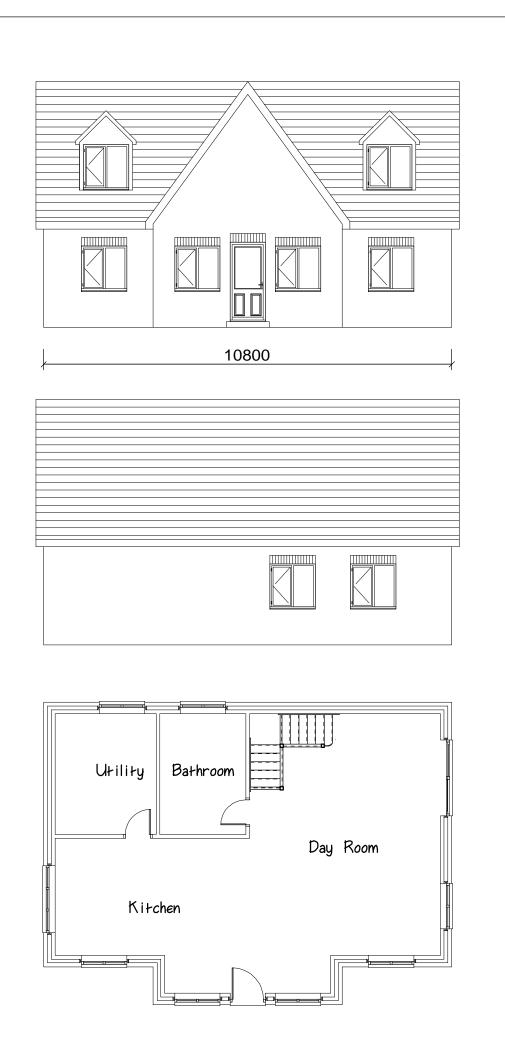
PURCHASE NOTICE

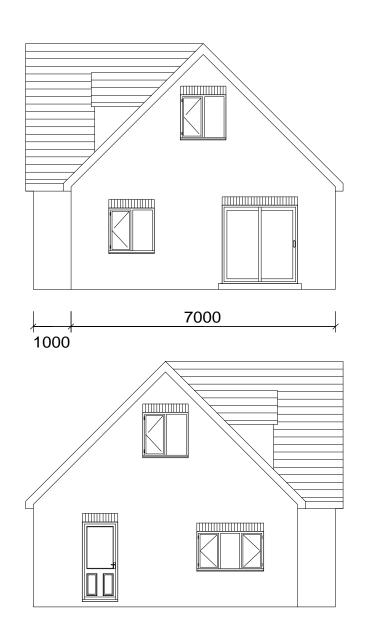
If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, she/he may serve on the Borough Council or District Council or County Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

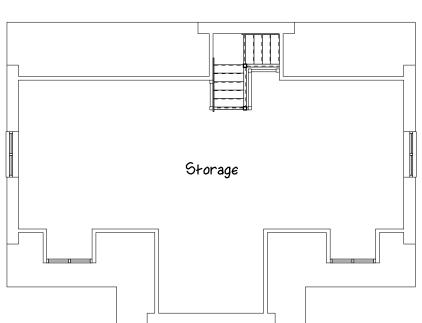
COMPENSATION

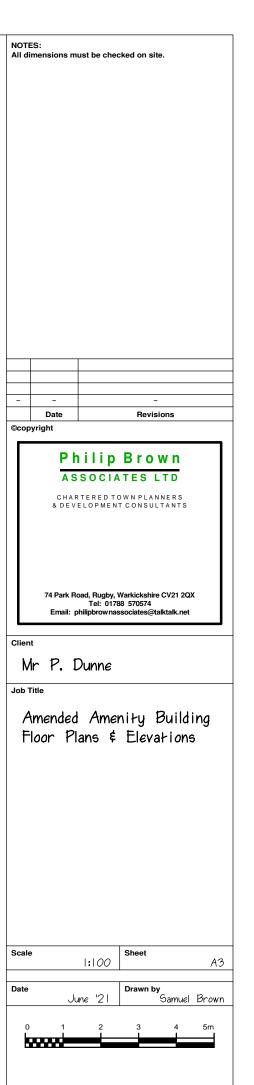
In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to her/him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

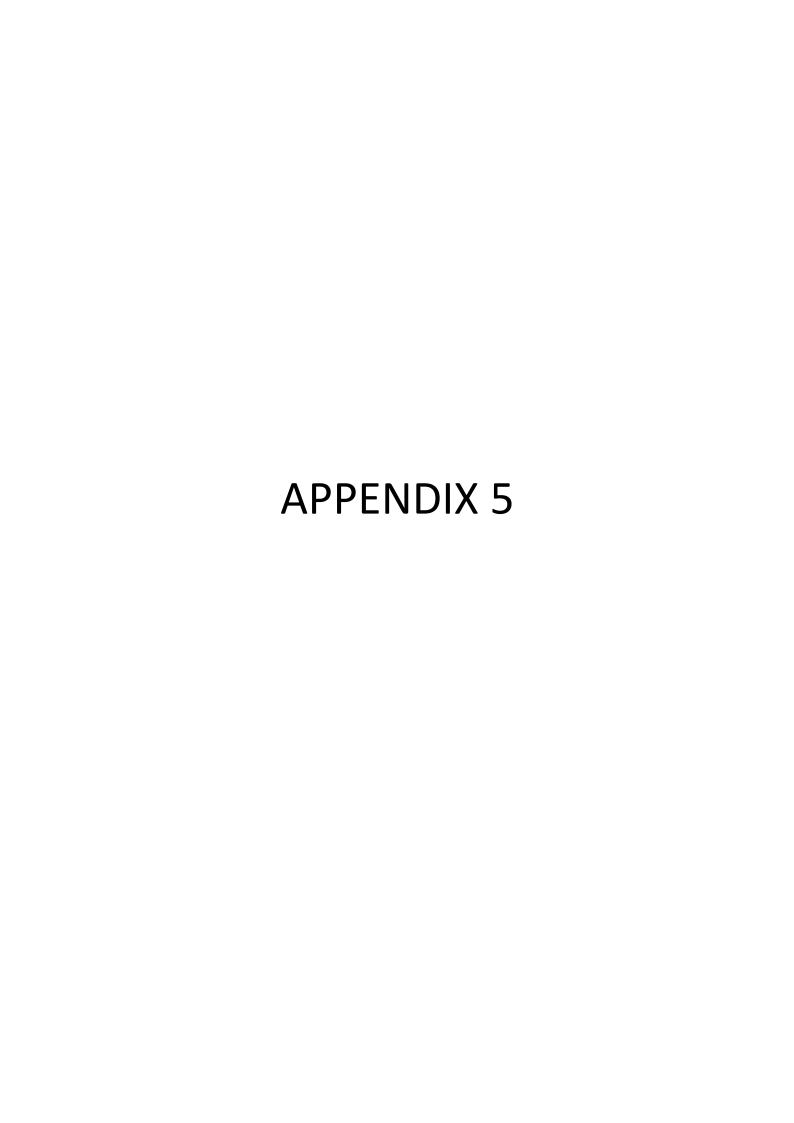












Town and Country Planning Act 1990 Town and Country Planning (General Development Procedure) Order 2015 (as amended)

REFUSAL OF PLANNING PERMISSION

Application

22/00641/VAR

Number:

Proposed: Application Reference Number: 21/00624/VAR, Date of Decision:

24/08/2021 Vary Condition 1: Change the floor plan and elevations to

reflect what has been built. Change the plan reference numbers

approved under the planning permission.

At: Land Adjacent Brinsford Bridge Stafford Road Coven Heath

Staffordshire

In pursuance of their powers under the above mentioned Act, South Staffordshire Council, hereby REFUSE permission for the development described in the above application.

Reasons for refusal:

- 1. The alterations to the previously approved modest amenity buildings have resulted in a bulky additions and would be considered as disproportionate to the host building and thus represent inappropriate development, harmful to the Green Belt by definition. No very special circumstances have been presented that clearly outweigh this harm.
- 2. The design of the porch extensions along with the materials used are prejudicial to the character of the rural area contrary to the aims of both national and local planning policy that seeks to secure good design.
- 3. Proactive Statement Whilst paragraph 38 of the National Planning Policy Framework (2021) requires the Local Planning Authority to work with applicants in a positive and proactive manner to resolve issues arising from the proposed development; in this instance a positive solution could not be found and the development fails to accord with the adopted Core Strategy (2012) and the National Planning Policy Framework (2021).

Signed Dated: 22 August 2022

Helen Benbow

Development Management Team Manager

Mr Patrick Dunne C/O Mr Samuel Brown Philip Brown Associates Limited 74 Park Road Rugby CV21 2QX

APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if you are not sure which of these time limits applies to your decision please contact the Planning Inspectorate

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

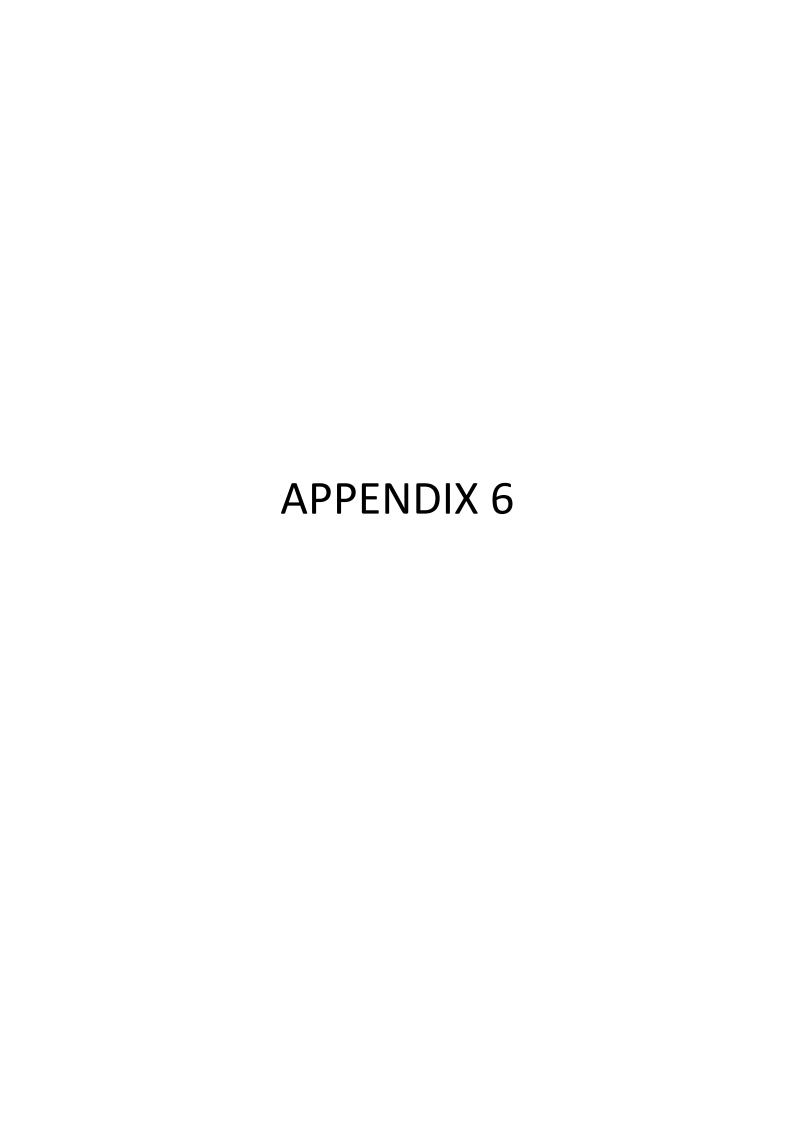
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. <u>Further details are on GOV.UK</u>.

PURCHASE NOTICE

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or the Secretary of State Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council or District Council or County Council in which the land is situated, as the case may be, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.



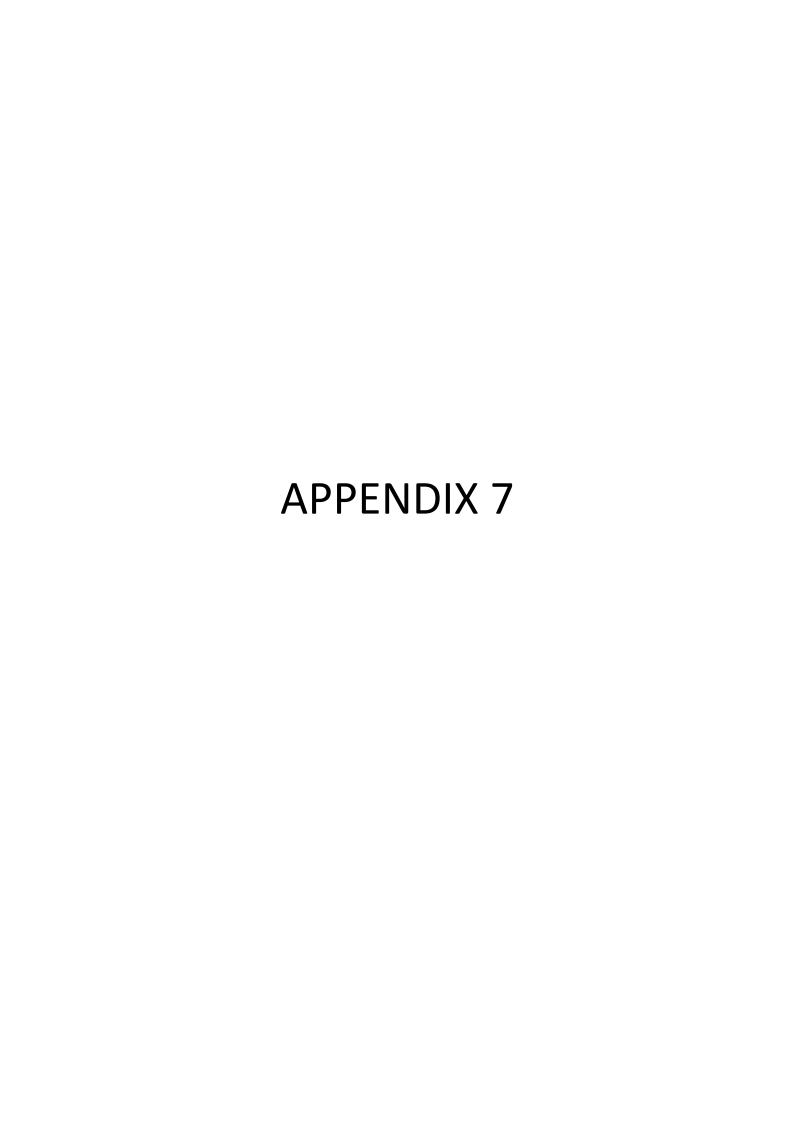












BUILDING 1









BUILDING 2

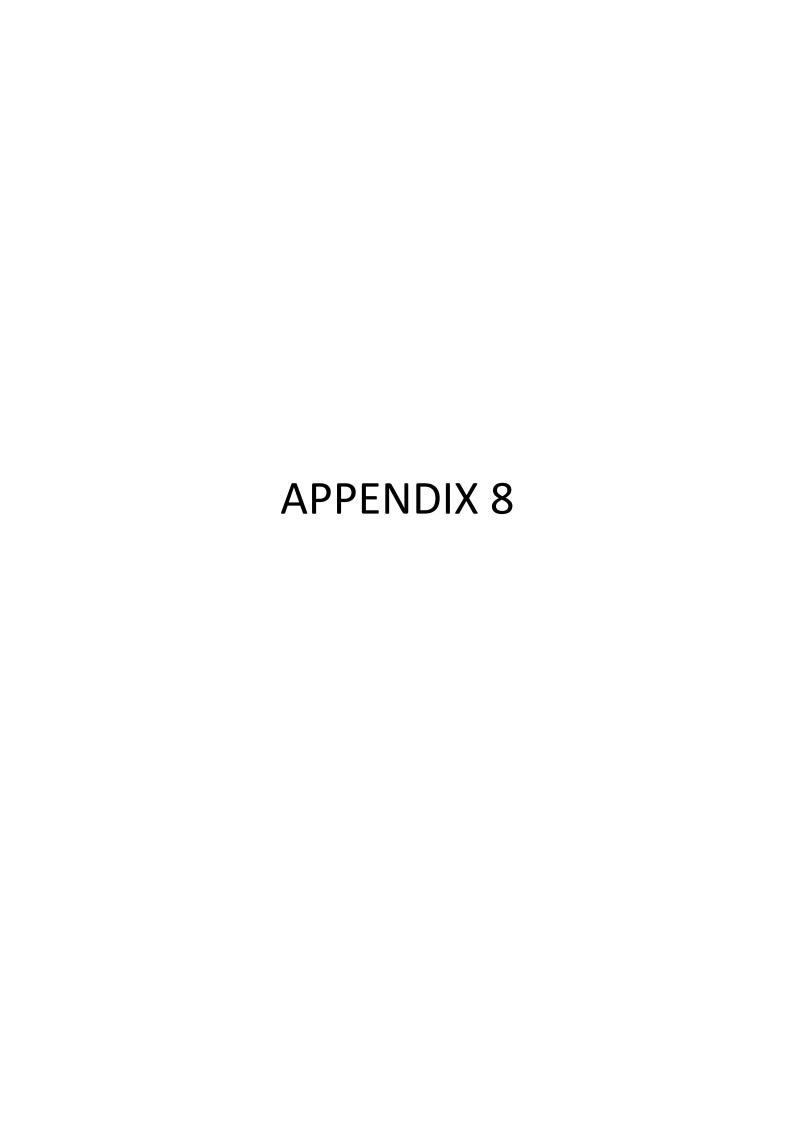




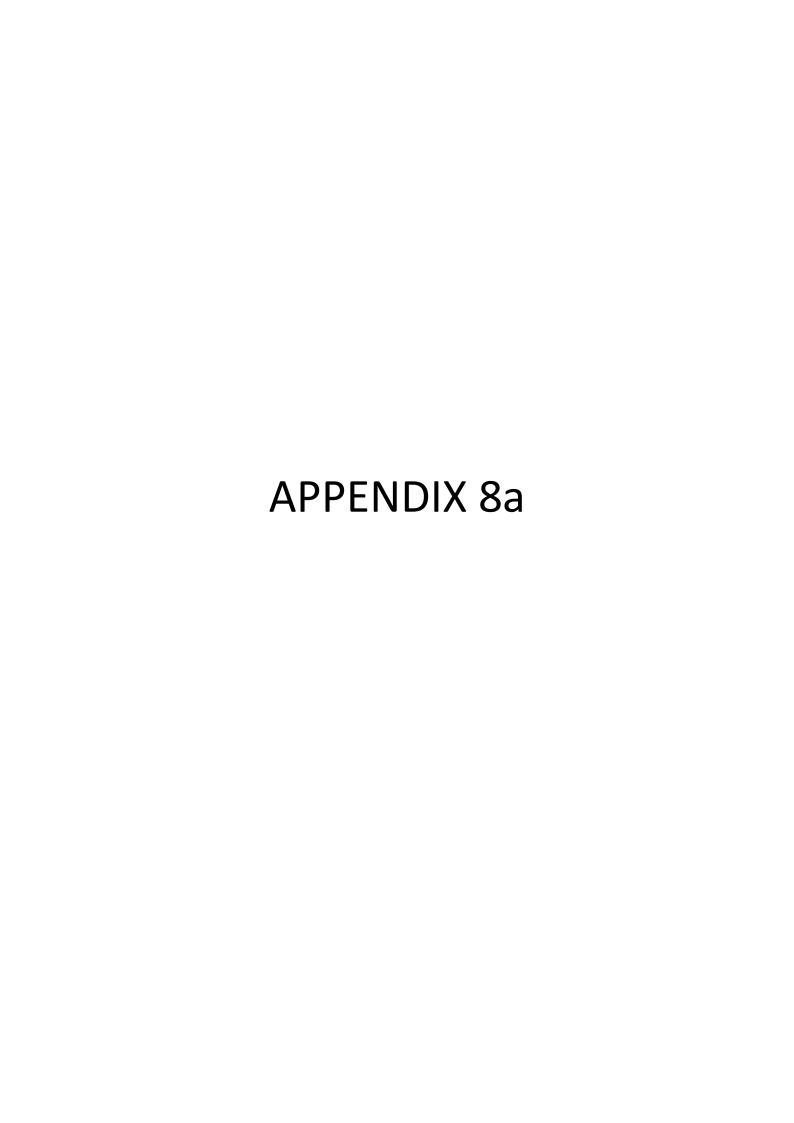


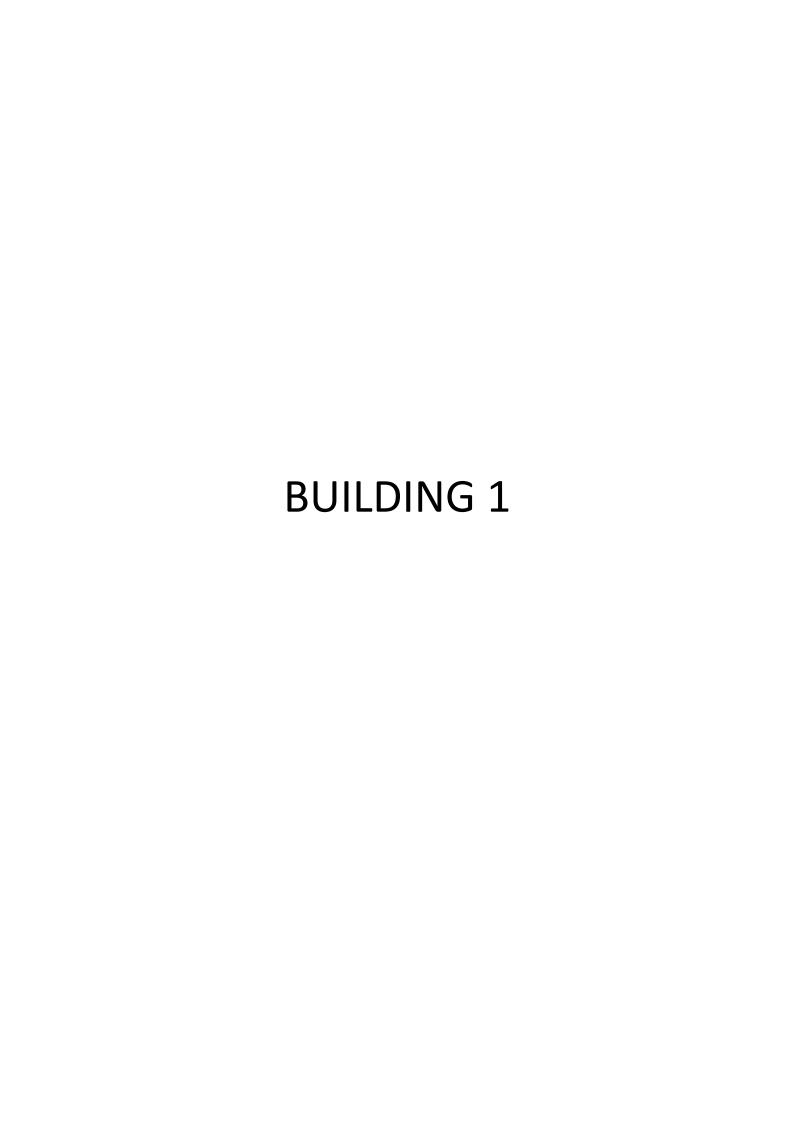


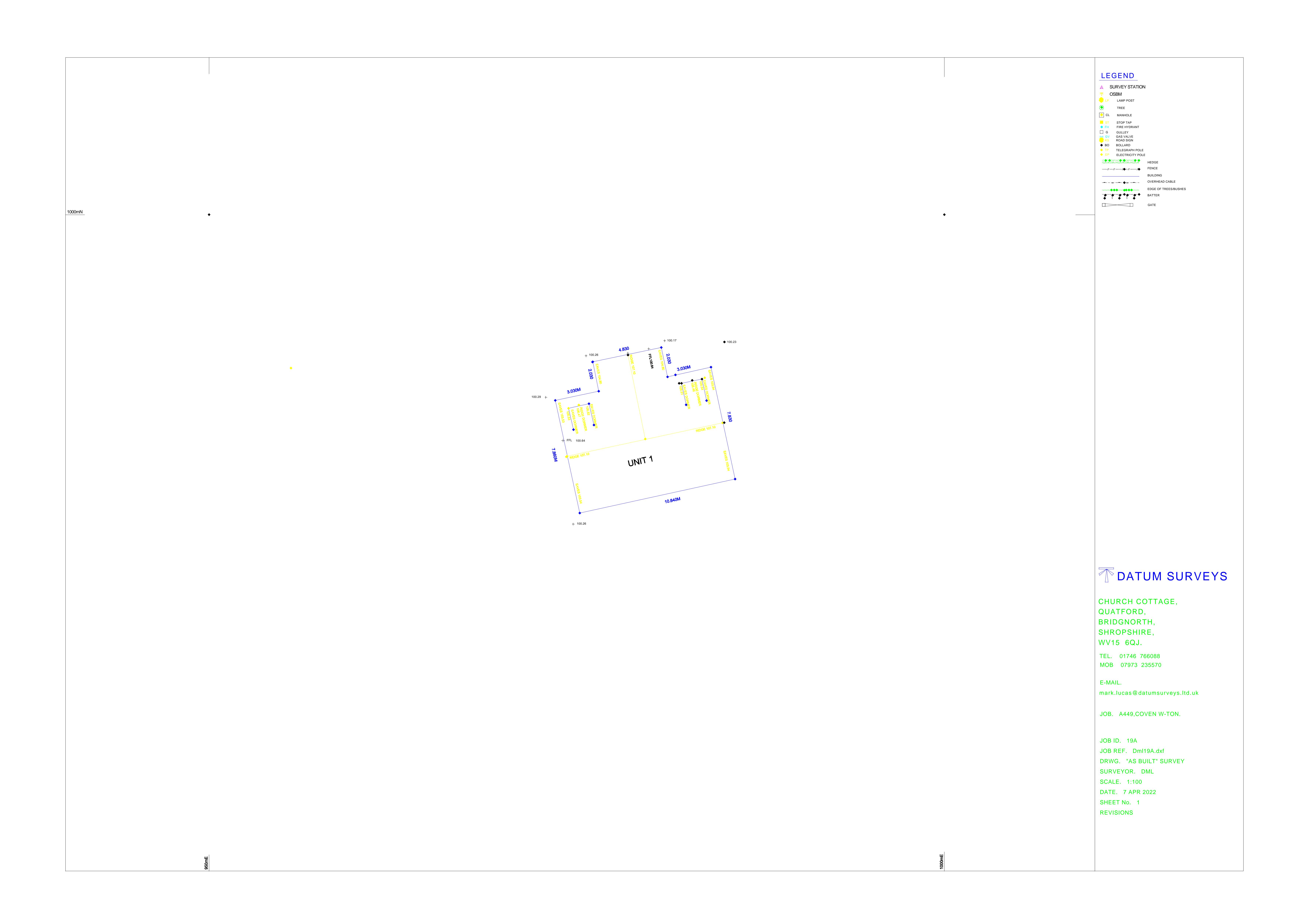


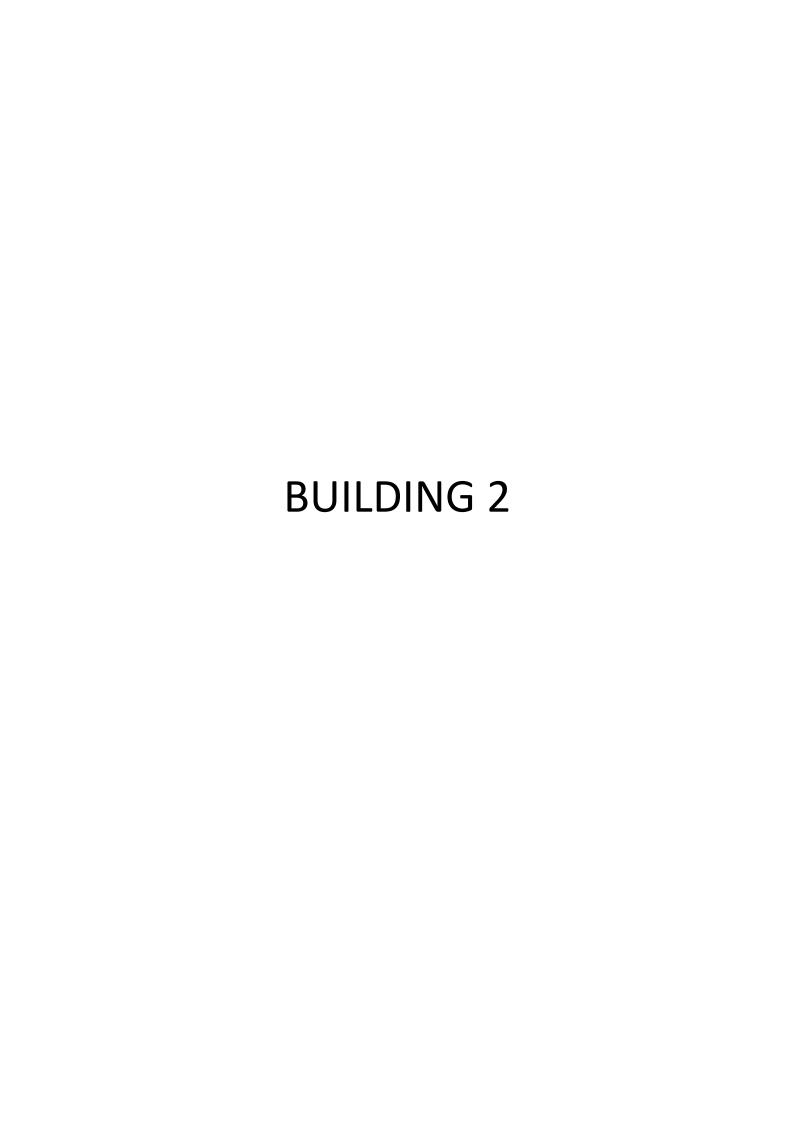


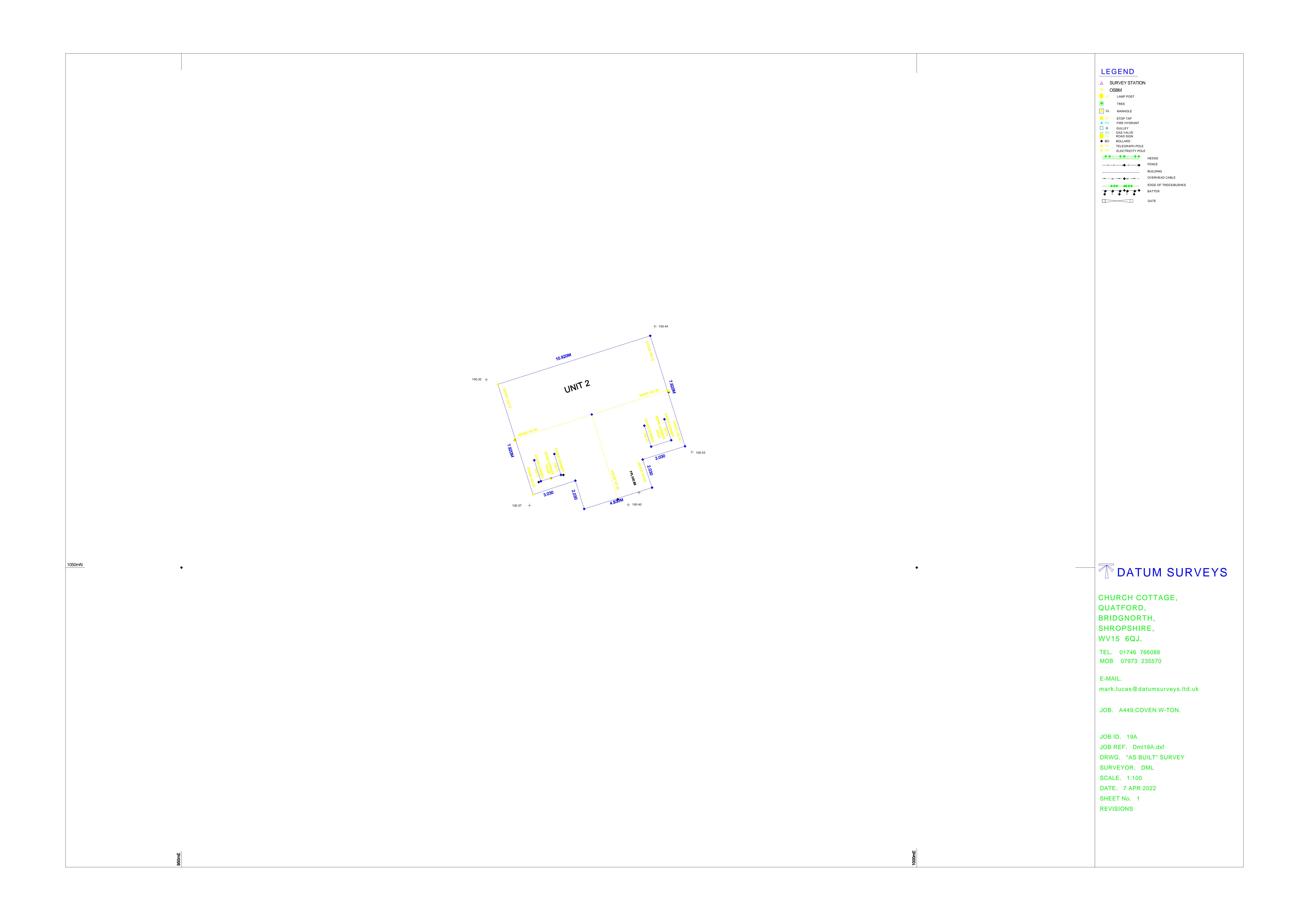


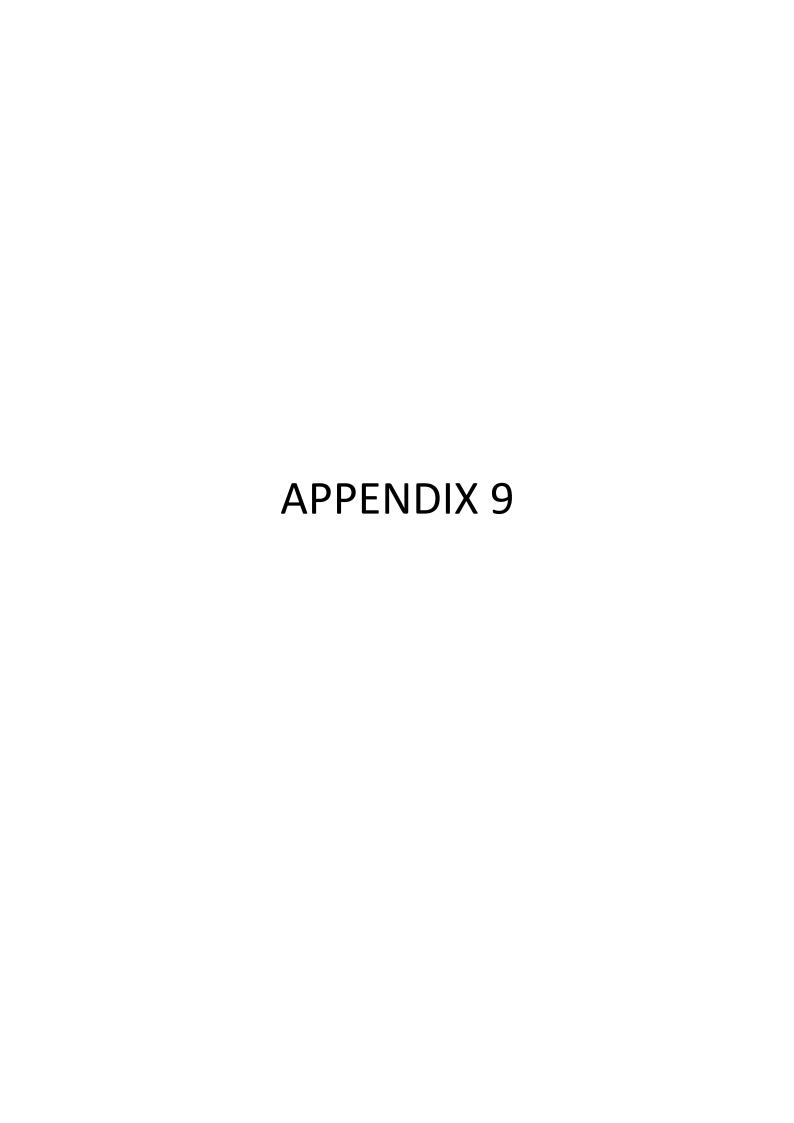












Footpath View



View From Opposite Carriageway (Approaching Southbound Traffic)



